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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/101,844	10/05/98	CESARONI	SIM-10002/16

PM82/0929

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EXAMINER

BAKER, A

ART UNIT

PAPER NUMBER

3641

DATE MAILED: 09/29/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/101,844

Applicant

Cesaroni

Examiner

Aileen J. Baker

Group Art Unit

3641



☒ Responsive to communication(s) filed on Aug 21, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s); or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 38-58 is/are pending in the application.

Of the above, claim(s) 40, 44, 45, 49, 50, 52, and 57 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 38, 39, 41-43, 46-48, 51, 53-56, and 58 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3641

DETAILED ACTION

Election/Restriction

1. Applicant's election with traverse of Group I and species of bullet with a truncated parabellum shape, jacket curling inwards to the tip, flat opposed end, copper jacket, polymeric core comprising ethylene/methacrylic acid copolymer ionomers and copper filler in Paper No. 14 is acknowledged. The traversal is on the ground(s) that the composition and function of the bullet is independent from the structural species. This is not found persuasive because the shape and jacket position affect the bullets performance.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 40, 44, 45, 49, 50, 52, 57 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected species, the requirement having been traversed in Paper No. 14.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 38, 39, 41-43, 46-48, 51, 53-56, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over West et al(5,616,642) in view of Davis et al(4,517,898).

Art Unit: 3641

West et al discloses a bullet that comprises copper and a copolymer of ethylene and vinyl monomer with an acid group such as methacrylic acid. However, West does not disclose the particular shape and jacket configuration as claimed.

Davis et al teaches a conventional bullet shape that has a parabolic tip, a jacket that curls inward towards the tip, a flat opposed end and a copper jacket.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the jacket of Davis et al to protect the barrel and to retain the jacket surrounding the core when using the bullet core of West et al.

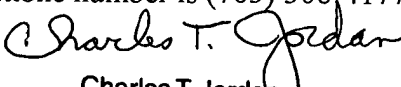
Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mravic et al(5,399,187), Asakura et al(5,730,664), Khanna et al(5,496,918), Austin(5,837,924), Gladden et al(5,747,722 and 5,597,973), and Thureson et al(4,607,573).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aileen Baker whose telephone number is (703) 306-5751. The examiner can normally be reached on Monday through Friday from 6:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Jordan, can be reached on (703) 306-4159. The fax phone number for the organization where this application or proceeding is assigned is (703) 306-4195.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4177.


Charles T. Jordan
Supervisory Patent Examiner
Group 3600